

# Why Our Schools Are Segregated

Social and economic disadvantage—not only poverty, but also a host of associated conditions—depresses student performance. Concentrating students with these disadvantages in racially and economically homogenous schools depresses it even further.

Our ability to remedy this situation by integrating schools is hobbled by historical ignorance. Too quickly forgetting 20th-century history, we've persuaded ourselves that the residential isolation of low-income black children occurs in practice but is not government-ordained. We think residential segregation is but an accident of economic circumstance, personal preference, and private discrimination.

However, residential segregation is actually the result of racially motivated law, public policy, and government-sponsored discrimination. The result of state action, residential segregation reflects an ongoing and blatant constitutional violation that calls for explicit remedy.

## A Question of Disadvantage

With less access to routine and preventive health care, disadvantaged students have greater absenteeism. With less literate parents, they are read to less frequently when young and are exposed to less complex language at home. With less adequate housing, they rarely have quiet places to study and may move more frequently, changing schools and teachers.

With fewer opportunities for enriching after-school and summer activities, their background knowledge and organizational skills are often less developed. With fewer family resources, their college ambitions are constrained. As these and many other disadvantages accumulate, children from lower social classes inevitably have lower average achievement than middle-class children, even with the highest-quality instruction (Rothstein, 2008).

When a school has a large proportion of students at risk of failure, the consequences of disadvantage are exacerbated. Remediation becomes the norm, and teachers have little time to challenge students to overcome personal, family, and community hardships that

typically interfere with learning. In schools with high student mobility, teachers spend more time repeating lessons for newcomers and have fewer opportunities to adapt instruction to students' individual strengths and weaknesses.

When classrooms fill with students who come to school less ready to learn, teachers must focus more on discipline and less on learning. Children in impoverished neighborhoods are surrounded by more crime and violence and suffer from stress that interferes with learning. Children with less exposure to mainstream society are less familiar with standard English. When few parents have strong educations themselves, schools cannot benefit from parental pressure for a high-quality curriculum. Children have few college-educated role models to emulate and few peers whose families set high academic standards.

## **A Question of Race**

Across the United States, low-income black children's isolation has increased. It's a problem not only of poverty but also of race. The share of black students attending schools that are more than 90 percent minority grew from 34 percent in 1989 to 39 percent in 2007. In 1989, black students typically attended schools in which 43 percent of their fellow students were low-income; by 2007, this figure had risen to 59 percent (Orfield, 2009).

In urban areas, low-income white students are more likely to be integrated into middle-class neighborhoods and are less likely to attend school predominantly with other disadvantaged students. Although immigrant, low-income Hispanic students are also concentrated in schools, by the third generation, their families are more likely to settle in more middle-class neighborhoods.

Integrating disadvantaged black students into schools in which more-privileged students predominate can narrow the black-white achievement gap. School integration, both racial and socioeconomic, can complement improvements in students' early childhood care, health, housing, economic security, and informal learning opportunities.

But segregated schools with poorly performing students can rarely be turned around while remaining racially isolated. The problems students bring to school are so over-

whelming that policy should never assume that even the most skilled and dedicated faculty can overcome them. Although schools can make a difference, they cannot erase the damage caused by concentrated poverty and racial isolation.

A highly regarded investigation of Chicago school reform (Bryk, Sebring, Allensworth, Luppescu, & Easton, 2010) attempted to distinguish the characteristics of schools in which students improved from those in which they stagnated. Schools with well-developed and aligned curriculums, good teacher–principal collaboration, and concerted efforts to involve parents made greater progress. But such reform programs made little or no difference in neighborhoods of concentrated poverty, where nearly all students were residentially mobile, were black, and had low-income parents with little formal education and a likelihood of unemployment. The investigators concluded, "Our findings about schooling in truly disadvantaged communities offer a sobering antidote to a heady political rhetoric arguing that all schools can be improved" (p. 210).

## **The Benefits of Integration**

Accumulating evidence confirms the need for school integration. Black students' achievement decreases as their schoolwide proportion grows (Hanushek, Kain, & Rivkin, 2009). Attendance at high-poverty schools causes disadvantaged students' performance to decline (Rumberger, 2007). A review of studies evaluating court-ordered desegregation concluded that "the circumstantial case linking school segregation to the test score gap is compelling" (Vigdor & Ludwig, 2008, p. 208).

Perhaps even more important than narrowing the test score gap are the positive behavioral outcomes from school racial integration: improved graduation rates, higher rates of employment, and higher earnings in adulthood, as well as avoidance of teen childbearing, delinquency, homicide, and incarceration (Guryan 2004; Johnson, 2011; Weiner, Lutz, & Ludwig, 2010). For both academics and behavior, benefits of integration for black students are unaccompanied by corresponding deterioration in white students' outcomes.

Ethnographic studies of students who participated in racial integration programs confirm that students of different races benefit from working together and are better prepared for civic engagement. Interviews with adult graduates of integrated high schools

in 1980 found that the black graduates felt more comfortable and confident about competing in a predominantly white economy (Wells, Holme, Revilla, & Atanda, 2009).

Experiments add evidence. In one, Chicago public housing residents received vouchers to subsidize moves to private apartments. Whether they were offered apartments in racially isolated urban neighborhoods or in predominantly white suburbs was a matter of chance. Adolescent children who moved to the suburbs fared better than those who stayed in the city: They had lower dropout rates and were more likely to attend college (Kaufman & Rosenbaum, 1992).

In another experiment, Maryland's Montgomery County government purchased apartments in more- and less-affluent areas and randomly assigned them to families that were eligible for public housing. Children—nearly three-quarters were black—who moved into and attended schools in more affluent neighborhoods outperformed comparable children who attended schools with higher proportions of low-income students (Schwartz, 2010).

A third and more ambitious experiment curiously showed that residents who moved to lower-poverty neighborhoods didn't improve their academic achievement or obtain better employment. But they did gain better physical and mental health (Ludwig, 2012).

Overall, research supports racial integration's importance in narrowing both academic and noncognitive achievement gaps. The prudent policy is to move forward to integrate schools.

## **De Jure, Not De Facto**

In 2007, the U.S. Supreme Court made school integration more difficult when it prohibited the Louisville, Kentucky, and Seattle, Washington, school districts from making racial balance a factor in assigning students to schools in cases where applicant numbers exceeded available seats. The plurality opinion by Chief Justice John Roberts called student categorization by race unconstitutional unless it was designed to reverse the effects of explicit rules that segregated students by race. Desegregation efforts are impermissible if students are racially isolated not from government policy but because of societal discrimination, economic characteristics, or what Roberts termed "any number of inno-

cent private decisions, including voluntary housing choices."

Constitutionally forbidden segregation is commonly termed *de jure*, whereas racial isolation independent of state action is termed *de facto*. It's generally accepted today, even by sophisticated policymakers, that black students' racial isolation is now *de facto*, especially in northern metropolitan areas of the United States. Even the dissenters in the Louisville–Seattle case, led by Justice Stephen Breyer, agreed with this assumption. Breyer argued that school districts should be permitted to address *de facto* racial homogeneity voluntarily, even if not constitutionally required to do so. But he accepted that, for the most part, Louisville and Seattle schools were not segregated by state action and thus not constitutionally required to desegregate.

This is a dubious proposition. Certainly, schools in northern metropolitan areas have not been segregated by policies assigning blacks to some schools and whites to others; they're segregated because their neighborhoods are racially homogenous. But neighborhoods didn't get that way from "innocent private decisions" or, as the late Justice Potter Stewart once put it, from "unknown and perhaps unknowable factors such as in-migration, birth rates, economic changes, or cumulative acts of private racial fears."

In truth, residential segregation's causes are both knowable and known: 20th-century federal, state, and local policies that were explicitly designed to separate the races and whose effects endure today. In any meaningful sense, neighborhoods—and, in consequence, schools—have been segregated *de jure*. *American Apartheid* (Massey & Denton, 1993) describes only a few of these many public policies—and the title is no exaggeration.

## An Eye-Opening History Lesson

The federal government led the development of policies contributing to segregation. From its New Deal inception, federal public housing policy respected existing "neighborhood composition" by placing projects for low-income blacks in black ghettos and those for middle-income whites in white neighborhoods. As suburbs grew, the Federal Housing Administration (FHA) and the Veterans Administration (VA) financed the movement of working and lower-middle-class whites (including those living in public housing) out of cities, but denied mortgage insurance to blacks. The FHA and VA pro-

hibited developers from selling to blacks and required developers to write deed restrictions that prohibited resale of homes to what the FHA called an "incompatible racial element" (Rothstein, 2012; Thomas & Ritzdorf, 1997).

Although a 1948 Supreme Court ruling barred courts from henceforth enforcing racial deed restrictions, patterns of court-enforced suburban segregation were well-established by then, and the restrictions themselves were deemed lawful for another 30 years. The court provided no remedy for black potential purchasers who had been unconstitutionally excluded from white suburbs when they were still affordable.

Bank regulators from the Federal Reserve and other agencies approved *redlining* policies by which banks and savings institutions refused loans to families in predominantly black (or even changing) neighborhoods and to black families who attempted to purchase homes in white suburbs. Indeed, the very concept of redlining was first devised in maps created by the Home Owners' Loan Corporation, a New Deal agency (Jackson, 1985).

For existing homes in urban areas, mayors and other public officials often organized homeowners' associations and prodded them to enact racial deed restrictions. The Internal Revenue Service (IRS) extended tax exemptions not only to churches where such associations were frequently based and whose clergy were their officers, but also to the associations themselves.

Churches were not alone in benefiting from unconstitutional tax exemptions. Robert Hutchins, mostly remembered now for promoting the liberal arts in college curriculums, was president and chancellor of the tax-exempt University of Chicago from 1929 to 1951. He had the university sponsor associations to enforce racially restrictive deeds in its surrounding neighborhood, and he employed the university's legal department to evict black families who moved nearby in defiance of his policy (Hirsch, 1983).

As it was constitutionally required to do, the IRS revoked the tax exemption of Bob Jones University in Greenville, South Carolina, because it prohibited interracial dating, but the government never challenged the pervasive use of tax favoritism by universities, churches, and other organizations to enforce racial segregation.

Where integrated or mostly black neighborhoods were too close to white communities or central business districts, federal and local officials routed interstate highways through those neighborhoods for the explicit purpose of relocating black populations (Mohl, 2002). In most cases, the only options for those whose homes were razed were public housing high-rises or overcrowded ghettos (Hirsch, 2000).

State policy also contributed—for example, in the highly regulated real estate industry. State commissions suspend or even revoke real estate licenses for professional and personal infractions, from mishandling escrow accounts to failing to pay personal child support. But although real estate agents openly enforced segregation, state authorities didn't punish brokers for racial discrimination; and they rarely do so even today, when racial steering and discriminatory practices remain widespread.

Local officials played roles as well. In northern cities and suburbs, police and prosecutors conspired with vigilantes and leaders of white mobs to force out black families who succeeded in purchasing or renting in white neighborhoods. Arrests were almost never made, and prosecutions were even rarer (Rubinowitz & Perry, 2002).

White homeowners' resistance to black neighbors was fed by deteriorating ghetto conditions, supported by municipalities' discriminatory denial of adequate public services. In the ghetto, garbage was collected less frequently; neighborhoods were rezoned for mixed (that is, industrial or even toxic) use; streets remained unpaved; and even water and power were less often provided (Kerner Commission, 1968). White homeowners came to see these conditions as characteristics of black residents, not as results of racially motivated city policy.

## **State-Sponsored Segregation**

These federal, state, and local actions combined to segregate our metropolitan areas and have been documented, to varying degrees, in virtually every northern city. Examples abound in Louisville and Seattle as well.

In Louisville, a 1960s urban renewal project relocated 885 black families from near downtown to a neighborhood that planners designated for black residence. In fact, the neighborhood had been opened to black residence only in 1937, after a catastrophic

flood induced whites to leave. During World War II, the federal government placed housing in that barely habitable neighborhood for black workers who came to Louisville from rural areas to work in military supply plants (Blum, 2006).

Federally regulated banks in Louisville didn't approve loans for blacks in other neighborhoods, and the FHA and VA ensured that developing areas were covered by racial deed restrictions. In 1954, when a black man moved to a white neighborhood, his home was bombed—and Kentucky put the seller on trial for sedition. In general, when black families attempted to break out of the ghetto, movers received no police protection, and violence drove them back.

Seattle, as elsewhere, developed suburbs that were closed to blacks and with deeds that barred resale to them. Restrictions were included in formal plat plans recorded with the city and county. Enforcement was strict. In 1948, the Seattle Real Estate Board expelled a broker for the rare act of selling to a black purchaser in a white neighborhood; the state licensing agency did not object. In 1957, a state law prohibited racial discrimination in FHA-insured housing, but the Washington Supreme Court overturned the law and the U.S. Supreme Court declined to review it (Taylor, 1994).

In 1963, the Seattle City Council adopted a fair housing law, but a successful campaign to repeal it was accompanied by violent attacks against blacks who had purchased homes outside Seattle's ghetto. Discriminatory policy does not become constitutional simply because voters approve it.

When black basketball star Bill Russell moved to an affluent Seattle suburb in 1973, police routinely harassed him by following him and any cars driven by blacks into the suburb (Russell, 1987). Recent reports by the Seattle Office for Civil Rights charge that black homeowners and renters still face discriminatory treatment by regulated banks and state-licensed real estate agents when these black families attempt to move out of predominantly black neighborhoods (City of Seattle, 2012; Davis, 2005).

## **An Obligation to Fulfill**

Racial segregation's persistence is attributable to these policies, some continuing to this day. Segregation is now locked in place by exclusionary zoning laws in suburbs where



black families once could have afforded to move in the absence of official segregation but can afford to do so no longer, given appreciated property values.

Had the Louisville and Seattle districts documented how their school segregation resulted from state-sponsored residential segregation, the Supreme Court majority might still have barred desegregation, but at least Justice Breyer might have made a stronger case in his dissent. As it is, even the most committed advocates of racial diversity in schools have forgotten, or failed to learn, the history of residential racial segregation, and so rely on weaker arguments.

Reacquainting ourselves with that history is a step toward confronting it. When knowledge of that history becomes commonplace, we will conclude that Louisville, Seattle, and other racially segregated school districts and metropolitan areas not only have permission, but also a constitutional obligation, to integrate.

That obligation cannot be fulfilled by school districts alone. Many ghettos are now so geographically isolated from white suburbs that voluntary choice, magnet schools, or fiddling with school attendance zones can no longer enable many low-income black children to attend predominantly middle-class schools.

Narrowing the achievement gap will require housing desegregation, which history also teaches cannot be a voluntary matter but is a constitutional necessity—that is, voiding exclusionary zoning laws, placing low- and moderate-income housing in predominantly white suburbs, and ending federal subsidies for communities that fail to reverse policies that led to racial exclusion.

Relearning our racial history, however, should be the first step.

## **Trends of the Times**

Poverty by race:

- 39 percent of black children
- 34 percent of Hispanic children
- 13 percent of Asian children

- 12 percent of white children

Source: U.S. Department of Commerce, Bureau of the Census, 2011 Current Population Survey.

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## **KEYWORDS**

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